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Provisional summary record of the 44th meeting
Held at Headquarters, New York, on Tuesday, 20 July 2004, at 10 a.m.

President: Mr. Koonjul (Vice-President) ..... (Mauritius)

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In the absence of Ms. Rasi, Mr. Koonjul (Vice-President) took the chair.

The meeting was called to order at 10.25 a.m.

Social and human rights questions (*continued*)

(g) Human rights (*continued*)

1. **The President**, recalling the question which had arisen at the previous meeting in relation to draft decision E/2004/L.21, said that a legal opinion had been requested on the competence of the Council to adopt a resolution superseding a decision taken by a functional commission, in the present instance decision 2004/117 of the Commission on Human Rights. He invited the Acting Legal Counsel to answer that question.

2. **Mr. Zacklin** (The Acting Legal Counsel) referred to the letter addressed to the Office of Legal Affairs by the Vice-President, requesting a legal opinion on paragraph 3 of draft decision E/2004/L.21, whereby the decision, if adopted, would override Commission on Human Rights decision 2004/117 on the question of human rights and human responsibilities. According to Article 68 of the Charter: "The [Council] shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions". The Commission on Human Rights had been established as a functional commission. As the parent body, the Council retained in principle the power to overrule decisions of the functional commissions. That was a power inherent in its competence. It could be exercised in respect not only of those decisions which were submitted to it, but also in respect of those which were not. However, a review of its practice had shown that it used that power sparingly. One recent example was resolution 2003/58 of 24 July 2003 whereby the Council had overridden Commission on Human Rights decision 2003/113 of 25 April 2003. In the event of a challenge to the Council's competence to override a decision of one of its functional commissions, a decision could be taken under rule 56 of its rules of procedure.

3. **The President** invited questions in clarification of the statement by the Acting Legal Counsel.

4. **Mr. Reyes Rodríguez** (Cuba) said that the draft decision already introduced by the observer for the Netherlands, on behalf of the European Union and other co-sponsors (E/2004/L.21), related to a Commission on Human Rights decision which did not formally exist, since it had not been published as an official document in all official languages. Moreover, the report of the Commission on Human Rights incorporating that decision was not available.

5. **Mr. Hof** (Observer for the Netherlands), speaking on a point of order, said that the observation by the representative of Cuba was not a question in clarification of the statement by the Acting Legal Counsel, but an expression of opinion on that statement.

6. **The President** invited the representative of Cuba to frame his observation in the form of a question.

7. **Mr. Reyes Rodríguez** (Cuba), after expressing his surprise that a draft text had been introduced in relation to a decision which had not been officially made, thereby prejudging the issue, asked what was the view of the Acting Legal Counsel on the regularity or otherwise of that procedure.

8. **Mr. Xie** Bohua (China) said that the Council had not yet seen the text of Commission decision 2004/117, to which draft decision E/2004/L.21 referred. His delegation had had no objection to the draft decision being introduced. However, Commission decision 2004/117 had not been submitted to the Council; no discussion of its text should take place before it had been submitted.

9. **Mr. Hof** (Observer for the Netherlands) said that the Acting Legal Counsel had already given a clear answer to the question whether the Council was authorized to override a decision of one of its functional commissions. The question of the availability of reports in all the official languages was a completely different issue.

10. **Mr. Reyes Rodríguez** (Cuba) said that no question had been put by the observer for the Netherlands, although he had previously argued that questions, not observations, were called for. The Council was entitled to debate item 14 (g) of its agenda at the present meeting, because according to the *Journal* the item was on its agenda.

11. **The President** invited the Acting Legal Counsel to answer the procedural question which had been raised.

12. **Mr. Zacklin** (The Acting Legal Counsel) said that the question as to whether a document was before the Council related to the working methods of the Council. It was a technical question, quite different from the first question put to him. There was no doubt that decision 2004/117 of the Commission on Human Rights existed; it had been taken at the 57th meeting of the sixtieth session, on 21 April 2004, and the voting had been 26 in favour, 25 against, with 2 abstentions.

13. **Mr. Reyes Rodríguez** (Cuba) said that the report of the Commission on Human Rights existed only in draft form in document E/CN.4/2004/L.10. Thanks to information technology and the Secretariat web site, it could be accessed in that form. However, it would not be official as far as the Council was concerned until it was available in all the official languages and had been submitted to the Council.

14. **The President** said that that remark raised the question whether the decision in question could be overturned by the Council in the absence of a document incorporating it. He asked the Secretary to comment on that question.

15. **Mr. Khane** (Secretary of the Council) said that document E/2004/23 (Part I), containing part of the report of the Commission on Human Rights, had just been issued.

16. **Mr. Xie** Bohua (China) said that his delegation had been unable to obtain the report. On the procedural question, it was clear that draft decision E/2004/L.21 was linked to decision 2004/117 of the Commission on Human Rights; moreover, the Acting Legal Counsel had confirmed it. He now wanted to know the procedural position, given that only one of the two documents was before the Council.

17. **The President** said that he would enquire into the availability of the report. The advice of the Acting Legal Counsel was clear, but it could of course be challenged by any member of the Council.

18. **Mr. Zheglov** (Russian Federation) said that he agreed with the representatives of China and Cuba that a document to be discussed should be available in all the official languages before it was discussed. However, the procedural question was an important one which the Council ought to be able to discuss.

19. **The President** said that the problem of documents not being available in all languages by the time they were needed was an endemic problem. It was, however, a separate issue which should not be confused with the procedural question. The Council should decide whether, in the circumstances, action on the draft decision should be postponed.

20. **Mrs. Houngbedji** (Benin) said that the present debate seemed pointless. It was already established that the Council had the right to challenge decisions made by any functional commission, which included the decision in question of the Commission on Human Rights. However, the report of the Commission was not listed in the *Journal*, nor was it available to members of the Council.

21. **The President** noted that no objection had been raised to the opinion given by the Acting Legal Counsel. Apparently the report of the Commission, although not listed in the *Journal*, was in fact available.

22. **Mr. Xie** Bohua (China) said that delegations must be able to see the report before discussing the draft decision submitted to the Council.

23. **Mr. Khane** (Secretary of the Council) said that the report had in fact been issued, but not in time to meet the deadline for the *Journal*. He would try to ensure that copies reached the Council Chamber.

24. **Mr. Wood** (United Kingdom) said that according to the clear advice of the Acting Legal Counsel it was possible for the Council to override a decision of a functional commission. That issue was not connected to the availability or otherwise of the report in question.

25. **The President** asked whether the representative of China was satisfied with the opinion of the Acting Legal Counsel.

26. **Mr. Xie** Bohua (China) asked whether there was any written rule or document to support that opinion. According to rule 37 of the rules of procedure of the functional commissions of the Council, "The commission shall submit to the Council a report ... on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council". It was clear from rule 37 that the Council had the power to review decisions and resolutions of the functional commissions. However, at its sixtieth session the Commission on Human Rights had adopted over

100 decisions and resolutions, including 48 requiring adoption by the Council; its decision 2004/117 was not among the latter. There was therefore no legal basis for the draft decision introduced by the observer for the Netherlands. Moreover, it appeared that, since Commission on Human Rights decision 2004/117 did not have to be submitted to the Council, it was already in effect. He would be grateful if the Acting Legal Counsel would elucidate those points.

27. **The President** said that the core question at present was whether Commission on Human Rights decision 2004/117 had actually come before the Council. He invited the Acting Legal Counsel to comment on that question.

28. **Mr. Zacklin** (The Acting Legal Counsel) said that his statement had made it very clear that the legal basis for his conclusion was to be found in Article 68 of the Charter of the United Nations, which stated: "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions". It was therefore clear that the Council was the parent body of the functional commissions and in principle retained the power to intervene in and overrule the decisions of its functional commissions. In his view, the statement had spoken for itself, and he saw no reason to modify it.

29. **Mr. Xie** Bohua (China) said that, instead of addressing the issue of the rules of procedure of the functional commissions, the Acting Legal Counsel had referred in his explanation to Article 68 of the Charter of the United Nations. He wished to know whether there was any written legal document to support that explanation.

30. **Mr. Essel** (Ghana) said that in his view the discussion at hand was a procedural one. The Council must decide at what point it became properly seized of the issues before it and was empowered to take legal binding decisions. He wondered whether that point was reached when documents became available on the Internet, or when they became available in written form, in all official languages, and asked whether the Secretariat could advise the Council in that regard.

31. **Mr. Reyes Rodríguez** (Cuba) said that the representatives of Ghana and Benin had raised very relevant points. His delegation proposed that the Council defer consideration of the matter until the report was available in all the official languages. The question was whether the Council would seek to overturn a decision of a functional commission, which had been under the impression that the Council would not need to do so.

32. **Mr. Zacklin** (The Acting Legal Counsel) said that the Council's work was guided by its own rules of procedure. In the event of a challenge to its competence to override a decision of a functional commission, rule 56 of the Council's own rules of procedure was applicable.

33. **Mr. Khane** (Secretary of the Council), responding to the question of the representative of Ghana, said that according to the Council's programme of work, agenda item 14 (g) was scheduled for consideration on 21 and 22 July.

34. **Mr. Xie** Bohua (China) said that he was not sure how rule 56 of the Council's rules of procedure was legally related to the issue before the Committee.

35. **The President** said that the Council had been scheduled to consider only the legal opinion regarding the Council's competence to overturn decisions of functional commissions. Questions had then been raised about the availability of documents, but the Secretary had indicated that the documents were available. The substantive issue would be considered on 21 July.

Economic and environmental questions (E/2004/81 and A/59/99-E/2004/83)

(a) Sustainable development (E/2004/12-E/CN.17/2004/3, E/2004/29, Supplement No. 9, and E/2004/33, Supplement No. 13; E/2004/MISC.1)

(b) Science and technology for development (E/2004/31, Supplement No. 11, and A/59/80-E/2004/61)

(e) Environment (A/59/25, Supplement No. 25, and A/59/81-E/2004/63)

(i) United Nations Forum on Forests (E/2004/42, Supplement No. 22)

36. **Mr. Civili** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs), introducing the consolidated report of the Secretary-

General on the work of the functional commissions of the Council in 2004 (E/2004/81), said that the Secretariat and the Council could do more to increase the thematic unity of the Council's general segment and, in turn, its overall session. The recommendation to that effect, which had been included in the Secretary-General's report on the role of the Council in the integrated follow-up to conferences (A/59/99-E/2004/83) had perhaps been misunderstood by some delegations. The representative of the Russian Federation had rightly stressed the need for flexibility and cautioned against the duplication of debates, and Mr. Neil, Vice-President of the Council, had rightly stated that the Council should be concerned not only about processes and themes but also — and above all — actual results. The emphasis on thematic unity had been driven by Mr. Neil's concern to enhance the Council's capacity for impact and results, by advocating a central focus across the various themes of the different segments. The various agenda items discussed in those segments would help in two basic respects. Firstly, they would help the Council in its communication and public information effort. Communication was an integral part of the search for results, which must start with consensus-building and then proceed to practical action and concrete progress. Secondly, the capacity of the Council to devise an overarching, action-oriented message could only enhance its capacity to ensure that the different issues it addressed, the various roles it performed and the different audiences it reached in various segments reinforced each other for results. However, greater thematic unity was just one way to strengthen results. The role of the Council in relation to individual countries' situations was also extremely relevant in that context, and many interesting proposals had been made in that regard during the current session.

37. The management function of the Council vis-à-vis its subsidiary bodies could not be simply management for its own sake — it must also have a central policy focus. In view of the growing focus of the Council's work on the coordinated outcomes of conferences and summits, and the central responsibilities of the Council's subsidiaries for guiding the follow-up to conferences, that focus could only be the integrated follow-up to those events. Furthermore, consolidated reports on the work of the functional commissions should be used to facilitate a policy-relevant dialogue that would assist the commissions and the Council to ensure progress in the implementation of conference outcomes and the Millennium Development Goals.

38. In addition to the follow-up conferences, the commissions played a significant role as forums for policy development and expert-level discussions in their specialized fields. Their outcomes were reported to the Council in order to ensure that they contributed to the larger, system-wide effort to promote development. The Council's guidance in that respect could be specific to the work of individual commissions or collective, aimed at promoting stronger synergies in their work. The commissions also contributed to the Council's work by providing specific inputs for its various segments. There was a growing sense that the commissions' reports should be more deliberately geared to achieving greater mutual reinforcement within the Council system. The reporting system should serve four main purposes: to facilitate more coherent and coordinated guidance by the Council; to achieve more effective follow-up by the commissions; to achieve stronger synergies among the various commissions; and to promote stronger and more direct contributions by the functional commissions to the work of the Council itself. Those were the main considerations that had led the Council to decide that the outcomes of the functional commissions should be considered not only on the basis of individual reports, but also on the basis of a consolidated report.

39. The report before the Committee was intended to help advance those goals. It sought to provide an analysis of selected, cross-cutting policy issues that related directly to the implementation of the outcomes of the conferences and summits. It was arranged under six main headings: poverty eradication, education, gender equality, health-related issues, environmental sustainability and global partnerships. It also addressed the question of how those issues affected the realization of the Millennium Development Goals. That approach was particularly relevant to the effort to harness the work of the commissions and the Council's own work in preparation for the 2005 high-level plenary meeting of the General Assembly. While the joint meetings held among the bureaux of the Council and the commissions, and the meeting of the chairpersons of the functional commissions helped the Council to oversee the work of the commissions, there was a general sense that the agendas of the meetings should be more focused and substantive.

40. The opportunities for the commissions to contribute directly to the various segments of the Council's substantive session were another important aspect of the linkages between the Council and its subsidiary machinery. But those opportunities were sometimes missed owing to delays in the selection of segment themes. It was therefore extremely important that the theme for the following high-level segment should be finalized before the end of the substantive session, so that the commissions could have time to prepare their contributions. In the case of the coordination segment, agreement on a multi-year work programme would help enhance the quality of the input from the commissions, as well as from the system as a whole. Although the issue of the commissions' follow-up to the Council's guidance and support recommendations required greater attention, the commissions had taken steps to improve their own functioning. Many had adopted multi-year work programmes, had begun to elect bureaux at the end of the session, and were making use of panels and working groups. Those practices had led to better preparations of their sessions and were helping to improve the relevance and depth of their work. The format of reporting by the commissions to the Council also deserved continued attention, and a number of recommendations and guidelines had been drawn up in that regard. With regard to the recommendations and guidelines on brevity, it would be helpful if the Council stated clearly that brevity meant less procedural and more substantive policy-relevant reporting. The subsidiary bodies of the Council had also taken steps to promote greater exchanges and synergy among themselves.

41. Beyond those procedural improvements, the focus on implementation that increasingly pervaded the work of the Council and its commissions — with the Commission for Sustainable Development at the forefront — was among the most promising developments, in terms of gearing working methods to results and helping to achieve greater collective impact. The improved interaction between the commissions and the funds and programmes should be seen, and encouraged, from the same perspective. It should be pursued as a wider, system-wide effort to strengthen linkages between normative and operational work, and might prove to be a crucial contribution by the Council towards achieving a genuine, common, result-oriented mode of implementation.

42. **Ms. Punyaratabandhu** (Thailand), Chairperson of the Committee for Development Policy (CDP), introducing the report on the sixth session of the Committee for Development Policy, said that the Committee had addressed three major themes during its session. The first was the theme adopted for the 2004 high-level segment, on how to improve resource mobilization and ensure an enabling environment for poverty eradication in the least developed countries. The second theme was the question of how to evaluate progress towards good governance in the context of the implementation of the Millennium Development Goals. The third concerned issues arising from its triennial review of the least developed countries.

43. The Committee's recommendations regarding the high-level segment had been presented to the Council in June. With respect to the second theme, the Committee had noted that since the early 1990s good governance had been increasingly recognized as necessary for sustainable development and poverty reduction, and for developing countries was an essential precondition for enhancing their ability to generate income and reduce poverty. Designing institutions and mechanisms for good governance in developing countries should be an interactive process between donor Governments and international organizations and recipient countries. With respect to the triennial review of the least developed countries, the Committee had confirmed the conclusion of its fifth session, that Cape Verde and the Maldives qualified to graduate from the list of least developed countries, and it had made a recommendation to the Council to that effect. At the same time, however, it had stressed the need for a smooth transition strategy, which would include the establishment of an ad hoc advisory group.

44. Apart from the substantive areas requiring attention, she would note one procedural aspect of the Committee's proposals for graduating countries. The Committee felt strongly that the graduated country itself should play the central role in the formulation and implementation of the smooth transition strategy, as well as in the proposed multilateral advisory group, which should operate at the country level, identifying measures to ensure that development progress was not interrupted or reversed, helping to monitor the process and perhaps suggesting additional measures as the transition evolved. The Committee had also agreed that, in preparation for its next triennial review, in

2006, it would examine at its 2005 session the possibility of further refining its criteria.

45. Lastly, she noted that the Bureau of the Council and the Bureau of the Committee had held a useful joint meeting in March 2004. An important issue raised during their meeting was how the Council could make best use of the Committee's work. Participants had agreed that it was important to ensure that the Committee's contributions could feed into the Council's work, including the high-level-segment preparatory process, in a timely and adequate manner.

46. **Mr. Kinniburgh** (Director, Development Policy and Planning Office, Department of Economic and Social Affairs), reviewing the contents of a forthcoming report by the Secretary-General on a smooth transition strategy for countries graduating from least-developed-country status, said that, in order to avoid the possibility of a disruption to development, it was necessary to identify the benefits they currently received and decide upon a strategy for coping with their possible withdrawal. The two underlying principles were that the strategy should be tailored to the situation of each country and that the country itself should play the lead role in formulating it.

47. An ad hoc country advisory group should be set up by the Government in question, with support, if requested, from the United Nations resident coordinator, and should include the country's development and trading partners. The agreed machinery should work at the country level and use existing national policy-making and cooperation arrangements. Monitoring should be one of the advisory group's responsibilities.

48. There were four major benefits attendant upon least-developed-country status: preferential market access; special treatment with regard to World Trade Organization (WTO) obligations; official development assistance (ODA) and other financing; and technical cooperation and other forms of assistance. A way had to be found of effecting a smooth transition in each area. It was a mistake to view graduation primarily as a loss of benefits when, in reality, it was a reflection of a country's success in achieving sustained development under difficult circumstances. The objective was surely to make graduation the rule rather than the exception for all least developed countries.

49. Introducing the report of the Secretary-General on implementation of the Charter of Economic Rights and Duties of States (A/59/99-E/2004/83), he said that, as suggested in the report, the Council and the General Assembly might reconsider the necessity of continuing the mandated quinquennial review of the implementation of the Charter, in view of the subsequent monitoring arrangements that had been put in place.

50. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, said that development goals could not be implemented piecemeal but only in an integrated way, and that the consolidated report on the work of the functional commissions of the Council in 2004 (E/2004/81) provided a useful analysis of major policy issues, using the Millennium Development Goals as a guide.

51. The Council had to play a central role in synchronizing the work of the intergovernmental bodies dealing with social and economic issues, while recognizing their particular areas of expertise in relation to the outcomes of particular conferences or summits. The specialized approach of the functional commissions allowed them to identify priority issues for system-wide implementation, which contributed to the Council's work on a given theme. A timely decision by the Council on the themes it would discuss at the high-level and coordination segments could in turn facilitate the work of the functional commissions. The Group of 77 and China were in process of finalizing a multi-year work programme for the coordination segment focusing on cross-cutting issues common to the various conference outcomes, which would give lead time to the subsidiary bodies.

52. More had to be done to link the normative and operational work of the United Nations: the functional commissions had to find more effective ways of bringing the operational implications of their work to the attention of the funds and programmes for their policy guidance. In turn, the funds and programmes should bring relevant operational approaches in their work to the attention of the commissions.

53. Regional cooperation had to be further improved. While there should be a clear division between the functions of the regional commissions and those of the functional commissions vis-à-vis conference outcomes, greater cooperation and consultation was needed. Further thought had to be given to the proposed discussion of the work of the regional commissions during the Council's substantive session.

54. The functional commissions should complete the ongoing reviews of their working methods by the following year and discuss them in a detailed but streamlined report. The Group supported the recommended submission of a consolidated report on the work of the functional commissions in 2005 as part of the report on the integrated and coordinated implementation of and follow-up to the outcomes of major conferences and summits. The Council's system-wide integration of the work and follow-up being done in the economic and social fields was still far from complete, and required regional cooperation. The Group of 77 and China would be submitting a draft resolution on the matter.

55. **Mr. Nieuwenhuis** (Observer for the Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and, in addition, Iceland and Norway, said that they looked forward to a Council decision confirming the graduation of the Maldives and Cape Verde from the list of least developed countries, given their remarkable progress in development.

56. General guidelines should be developed to ensure a smooth transition for each graduating country, including the Maldives and Cape Verde, and the development partners should discuss the specifics for a given country. The European Union, as the most important supporter of the least developed countries, was ready to suggest ways of facilitating the transition process. It envisaged a graduation/transition mechanism that would begin with a determination by the Committee for Development Policy, after two consecutive triennial reviews conducted in accordance with the criteria set out in General Assembly resolution 46/206, that the country was fit to graduate, followed by the immediate fixing of an automatic graduation date three years thence by the General Assembly, with the Committee then monitoring the progress made by the graduating country until the next triennial review.

57. Countries should take advantage of the period between the General Assembly decision and the actual graduation date to develop specific transition support strategies and prepare for the next phase in consultation with their development partners. Strategies and measures should be devised on a case-by-case basis with the country in charge and should be reflected in the country's poverty-reduction and other development plans. During the interim period, a round table should be set up, led by the national Government, assisted by the resident coordinator, with the participation of donors, international organizations, the United Nations system and others concerned, to study the specific needs and propose post-graduation measures in an appropriate time frame.

58. Trade issues and ODA deserved special attention. The European Union was open to a gradual phasing out of least-developed-country preferences while allowing eligibility for other European Union trade preferences under the Cotonou Agreement to mitigate the negative impact of graduation. Graduation would also affect the rights and obligations of a country as its special WTO treatment was gradually phased out. Lastly, a graduated country would normally no longer be eligible for trade-related technical assistance from donors either, although some donors might wish to continue it. The European Union would consider projects addressing the specific adjustment requirements of a given country.

59. Regarding ODA in general, the European Union member States and the European Union Commission in most cases based assistance levels on a range of criteria related to needs and performance, of which least-developed-country status was only one. Thus, a sudden decrease in ODA levels upon graduation was not to be expected and, indeed, the member States had undertaken to increase their ODA to help ensure a smooth transition.

60. **Mr. Liu** Liquan (China) said that since the World Summit on Sustainable Development, there had been three promising developments: sustainable development goals had been defined more clearly, global economic recovery had led to increased ODA, and there had been more active dialogue and cooperation. The main differences of opinion between developed and developing countries now centred on the issues of responsibility and implementation methods. Countries must take responsibility for strategies suited to their domestic conditions. The international community, in turn, should create an enabling economic environment, be more sympathetic to the difficulties and reasonable requests of the developing countries and offer them practical assistance, under the leadership of the United Nations. Countries should use the partnership initiative developed pursuant to the Johannesburg Plan of Implementation to help realize

the Millennium Development Goals and the World Summit objectives but should make it more standardized and reliable.

61. **Mr. Gallegos Chiriboga** (Ecuador) said that the resolution recommended for adoption by the Council in the report of the Commission on Science and Technology for Development on its seventh session (E/2004/31) emphasized the need for science and technology in promoting development and also identified areas of concern. The developing countries were trying to meet the goal of committing 1 per cent of the gross domestic product (GDP) to science and technology, but unfortunately some had allocated only 0.01 per cent or 0.5 per cent for the purpose. The developed countries, however, had to recognize that many developing countries were using their resources for debt servicing and that realistic, attainable goals should be set.

62. Technology should be transferred free of charge, but it was highly doubtful that the emerging technologies would really benefit the small farmers and their communities, for instance, rather than the large enterprises taking advantage of the cheap labour and environmental conditions. The technological divide referred to in the resolution, which included the digital divide, was not simply a threat but a reality, and a way had to be found to bridge it. Until inequalities in that area were levelled, social and economic development would be delayed and the Millennium Development Goals seriously compromised. The brain drain from the developing countries was a matter of concern, and steps had to be taken to attract and keep talented professionals in their countries of origin. Otherwise, the technological divide would only widen.

63. South-South cooperation was basic in applying science and technology to development. Useful experiences could be shared, policies proposed and networks of public and private scientific and technological institutions in the developing countries could be strengthened. Lastly, even countries considered to be middle-income countries, like Ecuador, also needed international cooperation in applying innovative financial mechanisms.

64. **Mr. Maximychev** (Russian Federation) said that, bearing in mind that sustainable development was among the Organization's top priorities, his delegation welcomed the results of the twelfth session of the Commission on Sustainable Development in which regional mechanisms had played a positive preparatory role. The sessional review had created a favourable premise for negotiating agreements at the Commission's thirteenth session on implementation of the results of the Johannesburg Summit at all levels, particularly in the areas of water, sanitation and human settlements.

65. Science and technology also represented a top priority for the international community since they were a tool for accelerating States' attainment of the Millennium Development Goals. The Commission on Science and Technology for Development contributed positively in that regard, exercising a coordinating function within the United Nations system. The recommendations and decisions resulting from its seventh session provided clear guidelines to Member States on strengthening and using national scientific and technological capacity for development and identified key areas for international cooperation. The operational effectiveness of the Commission should continue to be enhanced.

66. Important results of the eighth special session of the UNEP Governing Council/Global Ministerial Environment Forum included the Jeju Initiative (in the areas of water, sanitation and human settlements) and decisions on international environmental management, most particularly the decision to develop an intergovernmental strategic plan for technology support and capacity-building.

67. A major stakeholder in forests, the Russian Federation highly valued the work of the United Nations Forum on Forests and supported a strengthening of its role in coordinating forest policy dialogue within the United Nations system and in making forests a priority on the global environmental agenda. The Forum would be carrying out important work to further global and system-wide cooperation on the issue, including in the context of the Collaborative Partnership on Forests, and its secretariat should be strengthened accordingly. The Forum must now intensify efforts to implement its multi-year programme of work, to ensure that the mandate of its Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on all Types of Forests was fulfilled and to prepare for negotiations on an effective international mechanism on forests at its fifth session.

68. **Mr. Da Fonseca** (Observer for Cape Verde) said that his Government saw the qualification of Cape Verde for graduation from least-developed-country status as international recognition of the validity of its efforts to promote development. It had already publicized its intention to prepare for the changes that would come with graduation. It would proceed carefully into uncharted territory, an approach warranted by the country's great environmental and economic vulnerabilities, such as scant economic diversification, low production and high dependency on ODA and remittances from immigrants, as well as the constraints common to all small island developing States. Cape Verde hoped that the international community would not fail it as it continued on the road to development. His Government was firmly on a path to transforming the economy, and its long-term development strategy was being implemented in partnership with the private sector. With few resources, however, it required access to capital and to markets under favourable conditions until it could reach a stage of self-sustainability.

69. It was indispensable in all cases to devise a framework of specific transitional measures guaranteeing that graduation would usher in dynamic development. The transitional period should begin after the General Assembly's pronouncement, and least-developed-country status should be maintained during the transition according to established general guidelines recommended by bilateral and multilateral partners, taking into account the specific country situation. It was a complex process to devise a transition strategy, and it required resources for analysis, research and negotiations that were not readily available to less developed countries. A mechanism to monitor the application of agreed measures and the changing situation in the graduating country should also be set up. At the end of such a pre-graduation phase, the country would leave the least-developed category with a clear picture of what to expect in order to sustain its development efforts, and it would not have sent misleading signals to development partners or foreign investors that might induce them to reduce their aid. The essential was for development to continue without disruption. Although the primary responsibility rested with the least developed country itself, it was nevertheless a shared responsibility.

70. **Mr. Kotis** (United States of America) said that in the two years that had elapsed since the United Nations Conference on Financing for Development and the World Summit on Sustainable Development, a consensus had emerged that it was time for the international community to focus on implementing its commitments rather than on negotiations. Delivering on commitments would require a rethinking of the structure and outcome of meetings. Thanks to the able leadership of the Bureau, the twelfth session of the Commission on Sustainable Development had been marked by record levels of broad-based participation in substantive plenary discussions, dynamic exchanges at a well-attended Partnerships Fair and practical training for approximately 500 participants at the Learning Centre. At the thirteenth session, the challenge would be to maintain the momentum and to build on the best practices and lessons learned from the twelfth. It was important for the Council's functional commissions to take an active role in efforts to improve people's lives and he hoped not only that the Commission would deliver a useful framework for follow-up and implementation but also that other United Nations bodies would follow suit in seeking interactive, action-oriented ways of addressing global challenges.

71. **Mr. Toscano** (Observer for Switzerland) said that the sharing of experiences at the twelfth session of the Commission on Sustainable Development had most usefully indicated how the international community was honouring the commitments made at Rio de Janeiro and Johannesburg. The major challenge now was to maintain the momentum by using the lessons learned to best advantage. His delegation was convinced that in April 2005 the Commission would come out with relevant policy guidelines for moving the sustainable development agenda forward. Because the Global Ministerial Environment Forum and the UNEP Governing Council sessions were important for setting global environmental policy, his country welcomed the Jeju Initiative, as it did the decision on continued enhancement of global environmental governance. Switzerland had a major chemical industry and was host to the most important treaty bodies on chemical policy. For that reason, it was committed to an effective and transparent international policy for the management of chemicals as a way of protecting human health and the environment. It was his hope that, when deciding on the location of the secretariat of the Rotterdam Convention in September 2004, Member

States would contribute to the forging of synergy by supporting the Geneva chemicals centre of excellence.

72. Regarding international forestry policy, his Government had mixed feelings about the outcome of the fourth session of the United Nations Forum on Forests, which had failed both to adopt decisions in several major areas and to follow through on the work done by the secretariat for the Convention on Biodiversity and other like-minded institutions. Obviously, the Forum needed to be reformed and the end of its mandate in 2005 should be used as the occasion to strengthen it by transforming it into a global centre for international forestry policy.

73. **Mr. Gerus** (Belarus) said that the newly elected Bureau must ensure that the Commission on Sustainable Development functioned effectively at its thirteenth session by building on the results of the previous session, especially in view of the important programming decisions it would be making in the areas of water, sanitation and human settlements. The Commission on Science and Technology for Development played an important role in regional cooperation on development. At its seventh session, the Commission had supported the use of the achievements of science and technology to attain Millennium Development Goals. The Environment for Europe process had created a favourable political climate for cooperation on environmental issues and served as a tool to facilitate sustainable development in the region.

74. **Ms. Hernandez** (Cuba) said that in keeping with her country's traditional solidarity with the least developed countries, she found it hard to understand the position of the Committee for Development Policy. In chapter II of the Committee's report, it appeared that their problems had more to do with lack of policy commitment and proper management of public affairs than with the historic exploitation of their human, natural, physical and financial resources. It would also appear that their marginalization from reaping the benefits of globalization had virtually been of their own making and had nothing to do with the rules of an imposed system which guaranteed the increasing accumulation of revenue and wealth by a few. The Committee did recognize that most of those countries, despite having liberalized all sectors of their economy, privatized almost all their State-owned enterprises and given foreign capital a free hand, had failed to achieve satisfactory economic and social results. All that notwithstanding, the Committee was recommending the deepening of reforms whereby the Governments of those countries would relinquish any advocacy to finance their fiscal deficits at the same time as they sought to meet the needs of their poor, build and modernize their infrastructure and promote entrepreneurship. They were supposed to liberalize interest rates and also secure domestic savings that attract foreign capital while preventing capital flight; they were supposed to liberalize exchange rates and at the same time, increase and diversify their exports. All that defied the logic of economics and was virtually impossible to do under the conditions in which those countries found themselves.

75. The recommendations of the Committee made it appear as though the Governments of the least developed countries were virtual magicians. She wondered why the Committee proposed neither debt cancellation under the Enhanced Highly-Indebted Poor Countries Initiative nor trade negotiations within WTO to remove the subsidies maintained by the developed countries and improve the market access of products of export interest to the least developed countries. No effective measures that made economic and commercial sense were proposed to give them special and differential treatment in the agreements being negotiated. Nor was any suggestion made for fuller least-developed-country participation in decision-making within the international financial institutions. There was no insistence that the developed countries should devote once and for all 0.7 per cent of their gross national product as internationally agreed. Her delegation felt that so sensitive a matter could not be addressed unfairly and all the blame laid on the Governments of the poorest countries in the world. An understanding of the structural nature of the problems they encountered was required and a clear invitation had to be issued to the international community to comply immediately with its commitments to development.

76. In chapter III, the Committee acknowledged that structural adjustment policies based on market forces had failed and that development assistance had not been effective. In that context, the report recommended that, since bad policies and poor management in the beneficiary countries were largely to blame for those failures, development assistance should be granted only on condition of sound management of public affairs. In other words, the Committee was validating what a group of developed countries had defined as

sound management of public affairs and imposing that as a condition for developing countries to access those resources absolutely necessary for the survival of their people. She failed to understand how failure in the pursuit of neo-liberal structural reforms could be seriously ascribed to anything else when, instead of the expected economic growth, those reforms had created in most developing countries rampant poverty, hunger, epidemics and disease. Shamelessly, the failure of policies to address problems that existed in the management of public affairs was being justified. It was not only developing countries that had problems with the sound management of public affairs. The conflicts of interest, influence-peddling and corruption among the chief executives of transnational corporations in rich countries had been amply reported in the media and the source of the money that was corrupting the Governments of poor countries could well be traced.

77. While her delegation shared the view that healthy interaction among Governments, civil society and the business sector, together with broad participation of the people in decision-making, probity and austerity in the management of public resources and development assistance, accountability and the rule of law could be highly important factors for development and poverty reduction, it could not accept that, on the basis of a concept over whose definition no consensus existed, the Committee could maintain sound management as a necessary condition for developing countries to increase their capacity to generate revenue and reduce poverty. Nor could it accept that, on the same basis, good governance should be imposed by donor agencies as a condition for the granting of development assistance which, for many people, would make the difference between life and death. That amounted to taking away, in the name of international cooperation, the right of people to choose their own options for development.

78. **Mr. Ayari** (Tunisia) said that the participation of Governments, international organizations, the private sector, civil society and other stakeholders in the preparations for and the proceedings of the World Summit on the Information Society would be critical to success and make it possible to forge a genuine partnership for reducing the digital divide and harnessing information and communication technologies as a strategic tool for economic, social and cultural development. Convinced of th important role that civil society would play in partnership with Governments and the private sector during the build-up to the second phase in Tunis, his country had advocated the establishment of a standing United Nations fund to finance the various activities of international civil society. Tunisia would contribute the equivalent of US$ 320,000 which would be devoted essentially to helping developing country associations of the disabled, women, and young people to participate in the Summit. He hoped that all stakeholders in the Summit would support the proposal and that the Summit would enable the international community to find ways and means of harnessing the potential of emerging technologies to help developing countries achieve the Millennium Development Goals. It was also his expectation that the Summit would help to demonstrate the potential benefits of globalization and create a new type of relationship among nations based on human solidarity and the sharing of knowledge.

The meeting rose at 1.10 p.m.